

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY DESKOVIC,

Plaintiff,

07 Civ. 8150 (KMK)(GAY)

- against -

Notice of Motion to Dismiss

CITY OF PEEKSKILL, Et. Al,

Defendants.
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law dated July 11, 2008, and all other prior pleadings and proceedings herein, the undersigned, on behalf of defendant Tweed, will move this Court, before the Honorable Kenneth M. Karas, United States District Judge, on the 11th day of October, 2008, or as soon as counsel can be heard, at the Southern District of New York, United States Courthouse, 300 Quarropas Street, White Plains, New York, for an order pursuant to 12(b)(3) of the Fed. R. Civ. P. granting defendant Tweed's motion to dismiss plaintiff's claims against defendant Tweed on the grounds that the claims against Tweed are improperly joined with the remaining claims and not properly venued in the Southern District of New York, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that papers in response, if any, must be served by August 1, 2008 pursuant to Order of Judge Karas.

Dated: New York, New York
July 11, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant Tweed
By:



JOHN E. KNUDSEN (JK-2940)
Assistant Attorney General
120 Broadway
New York, New York 10271
(212) 416-8625

TO: Nick Brustin, Esq.
Jen Laurin, Esq.
Counsel for Plaintiff

DECLARATION OF SERVICE

JOHN E. KNUDSEN, hereby declares as follows:

That he is more than 18 years old and employed as an Assistant Attorney General in the office of ANDREW M. CUOMO, the Attorney General of the State of New York, Attorney for Defendant Tweed herein. On the 11th day of July, 2008, he served the annexed **Notice of Motion to Dismiss and Memorandum of Law in Support of Defendant Tweed's Motion to Dismiss** upon the following named person:

Nick Brustin, Esq.
Cochran Neufeld & Scheck
99 Hudson Street
New York, NY 10013

Attorney for Plaintiff in the within entitled action, by depositing true and correct copy thereof, properly enclosed in post-paid wrapper, in a post-office box regularly maintained by the United States Postal Service at 120 Broadway, New York, NY 10271 directed to said attorney at the address within the State designated by him for that purpose.

I hereby affirm under penalty of perjury that the foregoing is true and correct.

Executed on July 15, 2008


JOHN E. KNUDSEN